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COMMISSION ON HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 42nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 16 April 1996, at 10 a.m.

Chairman: Mr. LEGAULT (Canada)
(Vice-Chairman)

later: Mr. VERGNE SABOIA (Brazil)
(Chairman)

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In the absence of Mr. Vergne Saboia (Brazil) Mr. Legault (Canada), Vice-Chairman, took the Chair.

The meeting was called to order at 10.10 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 10) (continued) (E/CN.4/1996/3, 4 and Corr.1 and Add.1 and 2, 6, 7, 9, 12, 16 and Add.1, 54-57, 59-65, 66 and Corr.1 and 2, 67 and Add.1, 68, 69, 107, 114, 115, 119, 121-131, 133, 135, 139, 145, 146, 149, 150 and 154; E/CN.4/1996/NGO/9, 10, 12, 16-18, 21, 29, 30, 36, 44, 52, 54, 57, 58, 62, 67-69 and 80; A/50/471, 567-569, 663, 734 and 767; A/50/894-S/1996/203)

1. Mr. YOKOTA (Special Rapporteur on the situation of human rights in Myanmar) introducing his report (E/CN.4/1996/65), said that he wished to inform the Commission of the important developments that had taken place since it had last considered the situation of human rights in Myanmar. On 10 July 1995, the Government had announced that the restrictions on Daw Aung San Suu Kyi had been lifted and that she had been released without conditions and the National Convention had been reconvened on 28 November 1995 to discuss three chapters on the legislature, the executive branch and the judiciary. However, the representatives of the National League for Democracy (NLD) had decided to withdraw, stating that they would attend only if the military authorities began a dialogue with party leaders.

2. At the invitation of the Government, he had visited Myanmar from 8 to 17 October 1995, after which he had travelled to the Thai side of the frontier to meet persons from Myanmar living in camps there. The Government had facilitated his visit and had extended many courtesies to him. Unfortunately, the restrictive financial measures adopted by the United Nations Secretariat in New York had seriously impeded his activities; for example, his travel to Myanmar had been authorized at only 24 hours' notice, and no interpreter had been assigned to him.

3. During his visit, he had been received by a number of high-level officials, including Secretary One of the State Law and Order Restoration Council (SLORC). He had also had the opportunity of meeting representatives of the three political parties and had twice met Daw Aung San Suu Kyi and other representatives of NLD.

4. The report was based on the first-hand information obtained during his visit and on copious information provided by government authorities, non-governmental organizations (NGOs), intergovernmental organizations (IGOs) and individuals.

5. He had generally observed signs of a relaxation of tension. Consumer goods had been available in the markets and roads, bridges, buildings and

railways were being built or improved. However, he had been informed that only a small portion of the population was enjoying an improved lifestyle and that many people were suffering from the high prices of basic necessities.

6. While welcoming the greater cooperation of the Government of Myanmar with various United Nations organs and international humanitarian NGOs, he was concerned at a report that the Government was tightening restrictions upon the activities of some field staff of the various organizations. He was also pleased to note that the Government had continued to release persons detained for political activities but there were still hundreds of such detainees. In addition, he was seriously concerned about problems relating to fair trials, free access to defence lawyers, the imposition of disproportionate penalties, the non-acceptance of the customary procedures of the International Committee of the Red Cross (ICRC) for visits to places of detention, evidence of forced labour, forced portering, torture and arbitrary killing, and the absence of the freedoms of opinion, expression, publication, peaceful assembly and association.

7. The persons whose civil and political rights were most severely restricted were the members of political parties, particularly the NLD leaders, and delegates to the National Convention. Since her release, Daw Aung San Suu Kyi had on several occasions been physically prevented from exercising her rights of freedom of movement and freedom of association, and some of her close supporters and friends had been detained and questioned by the Military Intelligence for long periods in harsh conditions. Her husband had been denied a visa to enter the country to visit her.

8. The representatives of the Government had repeatedly explained that the Government was willing to transfer power to civilians but that, in order to do so, there had to be a strong constitution, for which the work of the National Convention would have to be completed. He was under the impression, however, that, given the composition of the delegations and the severe restrictions imposed upon them, the National Convention was not a step towards the restoration of democracy.

9. He was closely following the Government's recent initiative to invite armed insurgent groups to enter into talks. While cease-fire arrangements were a hopeful basis for a lasting peace, they did not represent lasting peace itself and a serious dialogue with ethnic representatives was essential for permanent reconciliation. He therefore hoped that the process would move forward from a military cease-fire to a political agreement. Meanwhile, all parties should respect the spirit and terms of the cease-fire.

10. Since the signing of the Memorandum of Understanding between Myanmar and the United Nations High Commissioner for Refugees (UNHCR) and the opening of a UNHCR field office in Rakhine State, almost 200,000 refugees had been successfully repatriated.

11. In conclusion, he summarized the recommendations contained in his report, the final one of which was that the Commission should request the High Commissioner for Human Rights to consider placing a team of human rights field offices in such locations as would assist the independent verification of reports on the human rights situation in Myanmar.

12. Mr. AYE (Observer for Myanmar) said that the Special Rapporteur's report (E/CN.4/1996/65) attempted rather unconvincingly to portray the situation of human rights in Myanmar in a negative light, most of the text being devoted to unfounded allegations of human rights violations. Evidence was lacking and the allegations were without substance, no doubt emanating from questionable sources. The authorities had already responded to them, and the Special Rapporteur himself had conceded that accusations might be "exaggerated or distorted". It was difficult to see, therefore, how the Commission could accord credibility to a litany of accusations presented without a shred of evidence.

13. For the record his delegation had circulated a Memorandum of observations and comments (E/CN.4/1996/139) in response to the inaccuracies and misconceptions contained in the report. It covered issues such as the ongoing process of the National Convention and the successful efforts to bring about national reconciliation. In fact, 15 of the 16 groups that had been engaged in armed conflict with the central Government for nearly 50 years were currently cooperating with the Government to develop the areas that they inhabited. Such cooperation had enabled the Government to launch development activities in border zones where most of the over 100 national ethnic groups resided, thereby raising their standard of living and helping to narrow the gap between rich and poor. With peace once again prevailing, and with the establishment of a market-oriented economic system, the economy had continued to advance, assisted by considerable foreign investment.

14. Those aspects were directly related to the enjoyment of human rights, since such rights could not be promoted and enjoyed in a vacuum. A fruitful dialogue had continued between the Myanmar authorities and the representative of the Secretary-General on those topics and on others of mutual interest.

15. During the deliberations in the Third Committee of the General Assembly in 1995, the Myanmar representative had commended the report of the Secretary-General on the situation of human rights in Myanmar (A/50/782), adding that it was a fair representation of the situation in the country and that he appreciated the balanced, objective and professional approach, without fully agreeing with some of the observations made. However, that representative had also revealed at some length the lack of objectivity and balance of the interim report of the Special Rapporteur, which was similar to the one currently before the Commission.

16. Mr. Vergne Saboia (Brazil), took the Chair.

17. Mr. PAIK (Special Rapporteur on the situation of human rights in Afghanistan), said it was with deep regret that he had learnt of the recent re-emergence of armed conflict in Afghanistan. The addition of the Taliban movement to the existing factions in conflict had created a further obstacle to a peaceful solution. In addition to the loss of lives on both sides, supplies of basic food, fuel and other necessities to Kabul had become very scarce, with the result that prices had rocketed and the situation of the civilian population had assumed dramatic proportions, although ICRC convoys had resumed delivery of essential supplies to Kabul at the end of January 1996.

18. Afghanistan, one of the poorest countries in the world, urgently needed help. Torn apart by a long war, the Afghan people continued to suffer from mass killings, disappearances, torture and the destruction of property. Despite valiant mine-clearance efforts on the part of the United Nations and NGOs, the presence of widely scattered land-mines, even in residential areas, continued to pose imminent and grave danger. Food, sanitation and clean water were in short supply. The lack of a strong central authority made it very difficult to redress human rights violations. Arbitrary administration of justice persisted and local authorities were unable to prevent activities such as arms dealing or trafficking in drugs and cultural artifacts. Young people suffered from malnutrition and lack of education; their life expectancy had declined.

19. The international community was duty-bound to provide emergency assistance to the victims of the Afghan conflict. Pressure must be brought to bear on the warring factions to halt the armed conflict immediately. Minimum food, shelter and sanitation requirements must be provided immediately to those living in refugee camps and villages, and to returnees. The international community should continue to provide, and indeed increase, humanitarian assistance in the form of mine-clearance, support for voluntary repatriation, food, health and sanitation projects and other rehabilitation programmes.

20. Afghanistan was apparently becoming one of the world's largest producers of opium. Appropriate measures must be taken at the international level to provide incentives to divert people away from unlawful activities and to prevent external influences from taking advantage of the sufferings of the Afghan people.

21. Priority should be given to the protection of vulnerable segments of the population. In view of the high rate of infant mortality, an international rescue programme for mothers and infants should be established to provide the necessary medical care. An end must be put to the practice of recruiting minors as combatants; those who engaged in such activities should be punished in accordance with international standards. Serious consideration should be given to the creation of an international fund for the education of Afghan children.

22. There was a need for more coordination among the organizations providing humanitarian assistance in Afghanistan and the mechanism entrusted with the task of coordinating United Nations activities in the country should be strengthened. Consideration should be given to the establishment of an on-site system to collect and analyse information from the field and disseminate it to the organizations involved. The appointment of a field officer would help to ensure that reliable and regular information was received from the field and to permit the establishment of a comprehensive database.

23. He urged all the local authorities in Afghanistan to continue to facilitate field visits to places where human rights were likely to be violated.

24. Mr. TANDAR (Observer for Afghanistan) said that his Government appreciated the impartiality of the Special Rapporteur's report. The Afghan authorities were committed to ensuring respect for human rights and had nothing to hide. There were no political prisoners in the country, freedom of expression was recognized by law; there was an independent press and a multi-party system, reflected in the composition of the Government.

25. His Government was convinced that without the full participation of women, there could be no progress or social development. Despite the obstacles linked to the current level of development in the country, it was doing its utmost to promote women's rights. Afghanistan was one of the rare countries of the region where women held positions of high rank in the armed forces. Women were also active in various professional fields and in the public service.

26. The campaign against drugs in Afghanistan must be given priority at all levels. Profits from poppy production did not benefit local growers but went into other hands, ultimately financing destabilization activities and the arms trade. Governments engaged in the combat against drug-trafficking needed to coordinate their national, particularly banking, and international policies in the area.

27. Afghan citizens were being deprived of their fundamental right to self-determination and the free choice of their future. Afghanistan had for almost 20 years been the victim of foreign occupation. While most of the country was currently at peace and refugees were returning, there was still outside interference, but from another source. Military operations were planned from abroad and foreign mercenaries were leading the armed opposition. Mercenaries released by his Government returned to their country of origin and enjoyed complete impunity, leading to the hypothesis that they had been employed by their own Government.

28. More than 90 per cent of the mercenaries in question were Pakistani nationals. Pakistan was illegally opening commercial offices in areas of Afghanistan under the control of military groups; the Government of Pakistan had built a road in Afghanistan, which was used for drug transport; and its Minister for Foreign Affairs had crossed the border without authorization.

29. Every time his Government called for peace negotiations with the opposition leaders, those leaders were welcomed to Pakistan and given public support, which encouraged a renewal of the conflict. With foreign support, the opposition militia had become the most fanatical and obscurantist group in the region; numerous examples of its extremism could be found in the Special Rapporteur's report (E/CN.4/1996/64).

30. Mr. ARTUCIO (Special Rapporteur on the human rights situation in Equatorial Guinea), introducing his report (E/CN.4/1996/67 and Add.1), said that he had paid two field visits to Equatorial Guinea with full cooperation from the authorities there. During his visits, he had interviewed local authorities, met representatives of all political parties, religious leaders and victims of human rights violations.

31. Although a number of legal measures to improve respect for human rights had been adopted, as well as other important legislation, the suggestion by the United Nations consultant on electoral matters that the national election authority should no longer form part of the Ministry of the Interior had not been heeded, there was still no guarantee of the independence and impartiality of the judiciary or of the right to a fair trial, and the structure of the administration of justice presented various defects and irregularities. In particular, the unlimited encroachment of the military courts on criminal matters and the failure to observe the rules of due process in court-martial proceedings were a cause for great concern.

32. Treatment of prisoners in the public prison of Malabo, was generally good, although the prison continued to lack proper food, equipment, sanitary facilities, medical care and educational facilities. Torture and other illegal punishments, when they occurred, usually took place in police stations and military posts prior to imprisonment. However, the torture and other ill-treatment of detainees, particularly political ones, still continued.

33. With the approach of presidential elections in February 1996, several leaders of legally authorized opposition parties had been arrested and imprisoned, the candidacy of one opposition leader being illegally rejected by the Government and the leader himself arrested and tortured. Such incidents called into question the progress made in the field of human rights.

34. Although religious freedom was guaranteed, he had received complaints of State interference in worship in rural areas. Women continued to be relegated to an inferior position and subject to discrimination in all the major areas of life. There was widespread, often extreme poverty in Equatorial Guinea. The country had a huge foreign debt and was particularly dependent on economic assistance from donor States for activities in the public sector. The health, education and employment statistics were alarming.

35. While the holding of municipal elections had represented significant progress in democratization, the process had been marked by intimidation of the opposition by Government agents. A series of irregularities in vote counting had also given rise to questions. There had been many cases of arbitrary detention around the time of the elections.

36. Having commented upon the conclusions and recommendations of his report, he said that the observance of human rights and fundamental freedoms in Equatorial Guinea had not reached a level that warranted the discontinuation by the Commission of its monitoring of the situation there.

37. Mrs. REHN (Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia), introducing her report (E/CN.4/1996/63), said that, while the situation in the former Yugoslavia had remained relatively calm over the previous five months, many basic rights were still being seriously violated, Serb mistrust of the Sarajevo leadership had led to an exodus from parts of that city and there still remained the all-important question of the fate of the missing persons.

38. In that regard, it was in the highest interests of the various authorities to release immediately, in accordance with the provisions of the Dayton Agreement, any persons they might be holding in custody. It was most important that the truth should be known about the fate of every single missing individual. She was therefore pleased to inform the Commission that the Government of Finland was ready to finance a pilot project concerning the uncovered bodies discovered in the hills of Kravica, with a view to identifying those bodies and thus shortening the list of missing people. The Finnish action was a joint initiative of the Expert on the special process and herself and was supported by all other human rights organizations active in the territory of the former Yugoslavia.

39. The international community must do its utmost to support the work of the International Criminal Tribunal. To ensure that the various peoples of the former Yugoslavia were not cast as collective villains by the outside world, the authorities of the respective countries should hand over persons indicted for war crimes to the Tribunal for a fair trial.

40. She had been extremely satisfied with the cooperation extended to her by the Governments of all the States concerned. The religious leaders in the territory had also been extremely helpful. Indeed, genuine reconciliation was largely in the hands of the religious leaders who, through honest cooperation with each other, could start the mental healing process, a vital building block in the long process of reconstruction.

41. Of particular concern was the psychological condition of the children and youth of the territory. However, her visits to orphanages and schools in Sarajevo had given her reason to hope that the children were not a lost generation after all. In that connection, she hoped that schools outside the territory would be twinned with those of Bosnia and Herzegovina not only to provide them with materials but also to help them regain their self-confidence.

42. In view of her strong conviction that genuine reconciliation would have to start from the grass roots, she felt that NGOs should be strongly supported.

43. Support from the field officers of the Centre for Human Rights had played a crucial role in the implementation of her mandate but, because of the financial difficulties, too many of them had recently been assigned to tasks connected with the Dayton peace process, to the detriment of the mission for which they had originally been employed.

44. She suggested that the way in which she reported to the Commission and to the General Assembly should be changed. Instead of comprehensive reports, she would like to concentrate on reporting on one State at a time and on thematic reports. As well as being more suited to the Commission's purposes, such reports must also be translated into the local languages so that the people of the former Yugoslavia, NGOs and the media could make full use of them.

45. She was still very concerned about the situations in Kosovo, the Sandzak and Vojvodina and would like to monitor closely developments in Eastern Slavonia and the return of Serbs to Krajina. The Skopje office should

stay open for at least another year to serve as a centre for cooperation and information based on dialogue. She was, still, of course, also considerably concerned about Bosnia and Herzegovina.

46. Despite the enormous challenges, she was optimistic about the future of the territory. However, if such optimism was to be maintained, several steps must be taken. The most positive step, the donor conference, had just been taken. It was essential, however, that the funding commitments made by Governments should be quickly implemented so as to start the process of reconstruction. Refugees and displaced persons must not be used as game pieces to be moved around from crisis spot to crisis spot.

47. It was extremely important that school books, especially history books, should not sow the seeds for future conflicts. The children had a right to know the impartial truth. It was also important that jobs and new lives be created for the demobilized soldiers, since failure to do so could result in further conflicts.

48. Mr. NDIAYE (Special Rapporteur on extrajudicial, summary or arbitrary executions), introducing his report (E/CN.4/1996/4 and Add.1 and 2), said he deeply regretted that it was available in only one of the official languages of the United Nations. To be translated into the other languages, it would have to have numbered not more than 32 pages, but covering 94 countries and submitting conclusions and recommendations in only 32 pages would have been impossible. He had opted for making a full report to the Commission rather than a truncated one. He hoped that the Commission would inform him how the growing number of mandates it conferred was to be reconciled with the reduction, sometimes to the point of absurdity, of the resources made available.

49. While all cultures proclaimed that the right to life was inviolable, the 94 countries cited in his report as alleged violators of that right spanned all five continents and the entire spectrum of wealth and poverty, race, ideology and belief. He had transmitted over 820 cases to Governments for investigation and appropriate action, but more than half of them had chosen not to respond. However, since publication of his report, he had received communications from the Governments of Afghanistan, Kenya, Mali, Morocco, Panama and Saudi Arabia.

50. The bulk of his activities had involved visits to countries at the request of Governments or the Commission, or on his own initiative. In April 1995 he had gone to Burundi, and in October 1995, to Papua New Guinea, more specifically the island of Bougainville. In 1996, he would accord priority to visiting Sri Lanka, at the Government's repeated request, and to visiting other countries, at the Commission's request, if the necessary resources were forthcoming.

51. His visit to Burundi (E/CN.4/1996/4/Add.1) had revealed that the country was on the edge of a precipice. The danger of civil war and genocide was growing. The fate of refugees, most of them women and children, and displaced persons was increasingly worrisome. Impunity was endemic, incitement to violence constant, the political situation at an impasse. The lack of an effective United Nations mechanism for preventing conflicts, or indeed massacres, was making itself felt.

52. His visit to Papua New Guinea (E/CN.4/1996/4/Add.2) had been hampered by the physical impossibility of reaching the central part of the island of Bougainville, where a large group of people was being subjected to a de facto blockade. There had recently been reports that the army had executed numerous civilians in Bougainville, attesting to the urgent need to resolve a problem that had festered for far too long.

53. Of the countries mentioned in his report, some were in states of civil war, civil unrest or insurrection or were prey to the operations of armed groups, whether organized or not. While those were difficult conditions, they did not justify summary execution, impunity or paralysis of the judicial system. Some topical examples were Chechnya and Liberia, the Israeli-occupied territories and Lebanon, Burundi and Rwanda, the former Yugoslavia, Algeria and Sierra Leone. More chronic but equally dangerous cases were to be found in Colombia, Turkey, Sri Lanka, India and Sudan. In the case of certain other countries, such as Germany, France and the United Kingdom, where peace reigned and the justice system usually operated effectively, there were a few alleged cases of summary execution. It was disturbing, however, that most of the cases related to foreigners or members of minorities.

54. The death penalty had been thrust into the limelight by some notorious cases in the United Arab Emirates, Pakistan and Nigeria. There was a tendency towards extension of the scope of the death penalty in countries such as Côte d'Ivoire, Gambia, the United States of America and Papua New Guinea, though the death penalty had been abolished in Mauritius. The death penalty was frequently applied by recourse to military or emergency courts or facilitated by the absence of effective appeals procedures, as in the case in Egypt. Sometimes foreigners were not allowed the services of an interpreter during their trial, as was alleged to be the case in Saudi Arabia.

55. Another source of major concern was impunity, sometimes in the form of amnesty laws, such as those in Peru and Togo. In that context, he welcomed the establishment of the working group on an international criminal court. He also recommended the elaboration of a convention, to establish universal jurisdiction over those who committed summary executions. Lastly, the establishment of a voluntary fund for victims of summary execution or their families would do a great deal to implement the rights of such victims.

56. Mr. DIENG (International Commission of Jurists) said that his organization condemned the continued indiscriminate and disproportionate use of force by the Russian army in Chechnya and found the international community's response totally inadequate. The Commission should establish a mechanism for close monitoring of human rights in Chechnya and for encouraging the parties to seek a peaceful solution to the conflict.

57. Both Israel and Hezbollah should refrain from additional attacks on Lebanese and Israeli citizens, but his organization was particularly concerned at excessive Israeli reactions to such attacks. The only solution was Israeli withdrawal from southern Lebanon, in conformity with the relevant Security Council resolutions.

58. The human rights situation in Nigeria had deteriorated rapidly since 1993, with the military Government engaging in arbitrary arrests, detentions and executions. The Commission must call upon that Government to release all political prisoners and stop the harassment of the Ogoni people.

59. In Bahrain, where confrontations between demonstrators and government security forces had been taking place since December 1994, the security forces had resorted to harsh measures in an attempt to control an explosive situation. The Commission should urge the Government of Bahrain to restore the rule of law.

60. Mr. ABU EISSA (Arab Lawyers Union) said that human rights violations had increased in many parts of the world, but there were some favourable developments in Algeria, the occupied Arab territories and South Africa. However, Israel continued to build and expand settlements in the West Bank, Jerusalem and other areas, impose collective punishments on the Palestinian people, occupy the Golan Heights and wage vicious attacks on the civilian population of southern Lebanon and the Bekaa Valley.

61. The Sudanese regime, disregarding the Commission's appeals to improve its human rights records, continued to curtail basic freedoms and to ban political parties, trade unions, civic organizations and professional associations. In the civil war in the southern Sudan, it had committed terrible atrocities against large sections of the population, revived the infamous practice of slavery and was committing the crime of genocide against the Nuba people. The Commission should adopt all the Special Rapporteur's recommendations and bring pressure to bear on the Sudanese Government to give the Special Rapporteur access to the country.

62. The people of Chechnya had become hostages to a super-Power which was trying to deprive them of their right to self-determination and, in the process, causing a great deal of death and destruction.

63. Ms. SCHERER (Amnesty International) said that, her organization had decided not to make an oral statement on human rights violations in specific countries, since the time-limit for NGO statements was woefully inadequate. Grave human rights violations in China, Colombia, Indonesia, Nigeria and Turkey had been brought to the Commission's attention by NGOs and by its own mechanisms, but it had failed to take any effective action, presumably because economic, political and other interests took precedence over human rights.

64. The Commission should send a clear message to all States that no country could escape international scrutiny. Its silence would send an even clearer message: that Governments were free to trample upon the rights of individuals.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF GERMANY

65. Mr. KINKEL (Germany) said that all the recent world conferences had stressed the vital importance of respect for human rights and agreed that differences in tradition and culture must not be used as arguments against the universality of such rights.

66. Events over the past 50 years had repeatedly demonstrated that the preservation of human rights required institutions, instruments and, above all, funding. In that connection, the initial successes of the High Commissioner for Human Rights, whose work had Germany's firm backing, showed how important his post was. However, although the reforms needed to ensure that the High Commissioner was supported by an efficient Centre for Human Rights were progressing satisfactorily, the 2 per cent of the regular budget funds earmarked for human rights activities was not enough. More funds and more staff must be made available, since preventive human rights policies were more cost-effective than settling conflicts that had already broken out.

67. The international community's human rights policies had suffered major catastrophes over the last few years as a result of ethnically or religiously motivated civil wars of extreme savagery, which had led to inconceivable disrespect for human rights and which tended to occur most often in areas where human rights had been violated.

68. In that regard, despite the appalling massacres that had occurred in Rwanda, the difficult task of rebuilding confidence in justice must be undertaken, as that was the only road to peace and renewed hope. Burundi was in an extremely critical situation and all parties knew that that country must be saved from the dreadful fate of Rwanda.

69. Such major conflicts affected the entire international community but it was the neighbouring and regional countries which must come up with solutions. He therefore welcomed the approaches towards a solution offered by African States during the Commission's meeting on Burundi.

70. Crisis management in the African Great Lakes Region, in which the protection of human rights played an important role, illustrated the fact that all the various organs of the United Nations, particularly the Security Council and the High Commissioner, must work together continually and closely. It also showed that the international community must summon up more courage and make more funds available.

71. As for Chechnya, where a political solution was long overdue, he urged President Yeltsin to honour the pledge made by Russia when joining the Council of Europe to settle domestic and external conflicts by peaceful means and to implement his proposed peace plan. Both sides should seize the opportunity for peace. The first prerequisite was to stop all fighting and destruction and to respect human rights. The Organization for Security and Cooperation in Europe (OSCE) could contribute to that.

72. The Dayton Agreement had created the prerequisites for peace in the former Yugoslavia. There was much to be done to implement the civilian aspects of that Agreement, particularly with regard to human rights, so as to make the people of that territory feel safe again. The Commission was playing a role in the moral and legal reconstruction of the country, and particularly important in that regard were the forthcoming elections to be held under OSCE auspices.

73. To achieve genuine peace in Bosnia and Herzegovina, it was essential that those responsible for the atrocities and war crimes committed in the territory be brought before the International Criminal Tribunal at the Hague. Those cases should not be hidden for opportunistic reasons. He called once again for the setting up of a permanent international criminal court.

74. Recent conflicts demonstrated that human rights must be the essence of politics as a whole and that was why all means available to assist those in danger must be used. One such instrument was the deployment of the International Implementation Force (IFOR) in the former Yugoslavia, as it was only by the use of military means to ensure peace that human rights could be protected in the field.

75. Insistence on respect for human rights was to interference in internal affairs. In that regard, having failed to persuade the Government of China in an exhaustive dialogue to take further steps to improve its human rights record, the European Union had, together with the United States, submitted a draft resolution on the human rights situation there which derived entirely from concern for the international respect of human rights.

76. While the disregard for basic human rights could not be excused by poverty and underdevelopment, there was no doubt that underdevelopment, a breeding ground for violence, radical ideologies and the growing threat of fundamentalism, jeopardized peace. Despite the international community's efforts, the gap between the rich North and the poor South was still widening. He was, nevertheless, optimistic because of the end of the East-West conflict and of the ideological struggle which had caused much suffering to the developing countries. The industrialized and the developing nations all agreed that global problems could be solved only in a spirit of partnership.

77. Human rights and development policies were not contradictory but complementary. While the right to development was an individual right, it could be realized only within a community. Development meant supporting all human rights equally. Every individual had the right to live in freedom, to be an integral part of society and to take part in political life, cultural diversity, economic growth and social-welfare schemes. The current session had scored a notable success in reaching consensus on that problem, which his Government regarded as a matter of considerable importance.

78. Human rights were not a luxury which only developed societies could afford, so substance must be given to the interrelationship among human rights, democracy and development. Human rights constituted an important development factor. The best preconditions for economic and social progress were democracy, the rule of law and the market economy.

79. The right to development should facilitate maximum participation in the economic and social development process. Each State was responsible for giving its citizens the best development opportunities. For its part, his Government would do its utmost to support countries' own efforts through development cooperation based on partnership and enhancement of the international framework. Development processes required, however, a stable constitutional framework for State action and the best development-assistance

concepts were doomed to failure without a proper framework for political order. The most convincing development-assistance programme was still the promotion of democracy and the rule of law.

80. Mankind's most valuable asset was its dignity. However, women and children in particular, were exposed to targeted violence and discrimination. The Commission must remain active in that area in order to ensure that the change of awareness which the universality of human rights demanded was translated into action.

81. NGOs, the world's collective conscience had a great role to play in the fight for human rights and were, indeed, an indispensable component of international human rights policy. The international community must support them and an appropriate instrument to do so must be produced very shortly.

82. Only a credible human rights policy could be successful and, while there had been xenophobic attacks by misguided trouble-makers in his country, he wished to make it clear that Germany was not a xenophobic country. It had a liberal aliens law, was home to approximately 7 million foreigners and had given asylum to thousands of refugees from all over the world. That placed great demands on the country, but his Government regarded it as an obligation in view of its history under National Socialism and during the division of the country. Germans had learned their lesson and were particularly aware of the value of human rights. In that regard, he wished to stress once again that those who tortured should not be allowed to sleep soundly at night.

83. Mr. ZHANG Yishan (China) said that his delegation intended to respond to certain comments made by the guest speaker. However, in view of the Bureau's ruling on the scheduling of rights of reply, it would defer its statement until a later meeting.

The meeting rose at 1 p.m.